

**34045  
SEA**

**SERVICE DATE - NOVEMBER 21, 2003**

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

## **ENVIRONMENTAL ASSESSMENT**

**STB Docket No. AB-33 (Sub-No. 203X)**

**Union Pacific Railroad Company – Abandonment Exemption – in Harris County, TX**

### **BACKGROUND**

In this proceeding, Union Pacific Railroad Company (UP) has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of the remaining portion of the Columbia Tap Industrial Lead in Harris County, TX. The proposed abandonment extends 0.90 miles from milepost 0.64 near Walker and Palmer Streets to milepost 1.54 near Trulley and Velasco Streets in Houston. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

### **DESCRIPTION OF THE LINE**

UP states that Porter Warner Industries was the sole active customer on the line in 2001 and 2002. Porter Warner Industries shipped two carloads of Bentonite Clay over the line in 2001 and two carloads of Bentonite Clay over the line in 2002. The line stub ends and cannot be used for overhead traffic.

The line connects at milepost 0.64 with the HB&T Walker Street line, which is operated by The Burlington Northern and Santa Fe Railway Company, except for UP's passage over it to reach the line.

### **ENVIRONMENTAL REVIEW**

The railroad has submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The railroad has served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated and reviewed the record in this proceeding.

The National Geodetic Survey has submitted comments stating that two geodetic station markers may be affected by the proposed abandonment and requests 90 days notification in advance of any activities that may disturb or destroy these markers.

UP states that it has been contacted by the City of Houston's Bicycle Pedestrian Coordinator requesting to purchase the right-of-way for a proposed bicycle and hiking trail. UP plans to work with the City of Houston to sell the right-of-way.

The East Downtown Management District, City of Houston (EDMD), submitted comments stating that it is concerned about post-abandonment maintenance of the right-of-way. Although the Board does not have jurisdiction over maintenance of the right-of-way following consummation of an abandonment, the Board's Section of Environmental Analysis (SEA) contacted UP and verified that UP is aware of EDMD's comments.

### **Traffic**

Porter Warner Industries was the only customer on the line during the time period from 2001 to 2002, shipping two carloads over the line in each year. Using the traffic data from 2001 and 2002, the proposed abandonment could result in the conversion of two railcars to truck traffic. Using a conversion factor of 4 trucks per railcar,<sup>1</sup> SEA calculated that, if all the rail traffic is diverted to truck traffic, about 8 loaded trucks per year or 16 total trucks (assuming an empty backhaul) could be added to area roadways per year.

UP states that the material could be handled at an alternate site for transloading. According to UP, other rail lines and major highways are within three miles of Porter Warner Industries.

### **HISTORIC REVIEW**

The railroad submitted a historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. The railroad served the report on the Texas Historical Commission (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected by the proposed abandonment. We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the section 106 process of the National Historic Preservation Act at 36 CFR 800.4(d)(1) and 36 CFR 800.8, we have determined that the proposed abandonment will not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

---

<sup>1</sup> The conversion factor is an estimate used to calculate the rail to truck conversion of varied commodities.

## **CONDITIONS**

We recommend that the following environmental condition be placed on any decision granting abandonment authority:

Based on the comments of the National Geodetic Survey (NGS), we recommend that the following condition be imposed on any decision granting abandonment authority: **Union Pacific Railroad Company shall consult with NGS and provide NGS with 90 days notice prior to disturbing or destroying any geodetic station markers.**

## **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended condition is imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within the time specified in the Federal Register notice. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Rini Ghosh, who prepared this environmental assessment. **Please refer to Docket No. AB-33 (Sub-No. 203X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Rini Ghosh, the environmental contact for this case, by phone at (202) 565-1539, fax at (202) 565-9000, or e-mail at [ghoshr@stb.dot.gov](mailto:ghoshr@stb.dot.gov).

Date made available to the public: **November 21, 2003**

**Comment due date: December 22, 2003.**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

Attachment

AB-33 (SUB-NO. 203X) ID-34005

ATTACHMENT NO. 1

